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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/568,452	04/26/2006	Lim Wong	4448-40	8210
23117	7590	09/11/2008	EXAMINER	
NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203				PHAN, HUY Q
ART UNIT		PAPER NUMBER		
2617				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/568,452	WONG, LIM	
	<b>Examiner</b>	<b>Art Unit</b>	
	HUY Q. PHAN	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 26 April 2006.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-12 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-12 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
     1. Certified copies of the priority documents have been received.  
     2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
     3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____.	6) <input type="checkbox"/> Other: _____ .

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Regarding claims 2, 3, 8 and 9, the phrases "and the like" and "or like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by the phrases "and the like" and "or like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3-7 and 9-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Khan (US 2004/0248554).

Regarding claim 1, Khan discloses a data and mobile telephony telecommunication open virtual secure crosscheck-link communication service channel ("by dialing up a specific telephone number" see [0021]) system (fig. 3) adapted to provide a further level of coding to access code data ("Personal Identification Number

(PIN) number" (see [0021]) is transmitted in CDMA communication system" (see [0014]) or in encryption techniques (see [0016])) regarding security data to enter servers for services, money and commerce transactions ([0017]-[0027]), comprising:

at least one gateway server system ("credit/debit card company's computer 306" see [0020]), having communication connecting input interfaces to at least one of hardware, firmware, and software connecting any data and telecommunication network operator ("establishes a connection to a Mobile Switching Centre (MSC) 305 of a mobile phone network 307" see [0021]);

an output communication interface ("by dialing up a specific telephone number" see [0021]) from said gateway server system connecting said data and telecommunication networks to said open secure cross-link channel system [0021];

an interface connecting subscribers to a mobile telephony device to said data and telecommunication operators ("makes a call to the customer's mobile phone 309 and a recorded voice asks" see [0022]), to said open secure cross-link channel system [0021], said subscribers devices for communication having at least one identity to access said open secure cross-link channel system [0022];

a memory space ("credit/debit card company's computer 306" (see [0020]) must have a memory) in said gateway server system for every subscriber, said memory space comprising at least all information regarding said access code data, said memory space being associated to said identity (in order for "The credit card company's computer 306 decides whether the PIN number entered is the correct one for those card details" see [0026]);

at least one point for performing said transactions by providing said access code data to said gateway server [0025];

performing a crosscheck in said gateway (“The credit card company’s computer 306 decides” see [0026]), checking if data belonging to said subscriber in said memory space is correct by calling the identity [0021] and thus said mobile telephony device associated to said memory space [0026]; and

if the subscriber to said identity and said crosschecked memory space data [0025], having provided said access code data [0026], the transaction at said at least one point is granted if said subscriber grants the call and thus the transaction by returning a predetermined signal via said mobile telephony device [0027].

Regarding claim 3, Khan further discloses an open secure cross-link channel according to claim 1, wherein said type of transaction is performed by a PC or like computerized device (“The credit card company’s computer 306 decides” see [0026]).

Regarding claim 4, Khan further discloses an open secure cross-link channel according to claim 1, wherein said identity is the telephone number to said mobile phone or other identity uniquely identifying the called mobile phone [0021].

Regarding claim 5, Khan further discloses an open secure cross-link channel according to claim 1, wherein said memory space in addition to said access code data comprises allowed currency limit and other restricting data for ordering said services

[0025].

Regarding claim 6, Khan further discloses an open secure cross-link channel according to claim 1, wherein said call belongs to at least one of the following categories voice, SMS, MMS, data, and that the call and transaction is granted by entering and transmitting the signal of a predetermined PIN code ("makes a call to the customer's mobile phone 309 and a recorded voice asks" see [0022]).

Regarding claim 7, Khan discloses a method (fig. 3) in a data and mobile telephony telecommunication system providing an open virtual secure crosscheck-link communication service channel ("by dialing up a specific telephone number" see [0021]) adapted to apply a further level of coding to access code data regarding security data ("Personal Identification Number (PIN) number" (see [0021]) is transmitted in CDMA communication system" (see [0014]) or in encryption techniques (see [0016])) to enter servers for services, money and commerce transactions ([0017]-[0027]), comprising:

having communication connecting input interfaces ("by dialing up a specific telephone number" see [0021]) to at least one gateway server system ("The credit card company's computer 306 decides" see [0026]), to at least one of hardware, firmware, and software connecting any data and telecommunication network operator ("establishes a connection to a Mobile Switching Centre (MSC) 305 of a mobile phone network 307" see [0021]);

connecting said data and telecommunication networks to said open secure cross-link channel system through an output communication interface in said gateway server system (“by dialing up a specific telephone number” see [0021]);

connecting subscribers to mobile telephony devices to said data and telecommunication operators (“makes a call to the customer's mobile phone 309 and a recorded voice asks” see [0022]), to said open secure cross-link channel system [0021], said subscribers devices for communication having at least one identity to access said open secure cross-link channel system ([0021]-[0023]) ;

storing in a memory space (“credit/debit card company's computer 306” (see [0020]) must have a memory) for every subscriber in said gateway server system, said memory space comprising at least all information regarding said access code data, said memory space being associated to said identity (in order for “The credit card company's computer 306 decides whether the PIN number entered is the correct one for those card details” see [0026]);

performing through at least one point said transactions by providing said access code data to said gateway server ([0021]-[0026]);

performing a crosscheck in said gateway (“The credit card company's computer 306 decides” see [0026]), checking if data belonging to said subscriber in said memory space is correct by calling the identity and thus said mobile telephony device associated to said memory space ([0021]-[0026]); and

if the subscriber to said identity and said crosschecked memory space data [0026], having provided said access code data ([0021]-[0026]), the transaction at said at

least one point is granted if said subscriber grants the call [0026] and thus the transaction by returning a predetermined signal via said mobile telephony device [0027].

Regarding claim 9, Khan further discloses a method according to claim 7, wherein said type of transaction is performed by a PC or like computerized device (“The credit card company’s computer 306 decides” see [0026]).

Regarding claim 10, Khan further discloses a method according to claim 7, wherein said identity is the telephone number to said mobile phone or other identity uniquely identifying the called mobile phone ([0021]-[0026]).

Regarding claim 11, Khan further discloses a method according to claim 7, wherein said memory space in addition to said access code data comprises allowed currency limit and other restricting data for ordering said services [0026].

Regarding claim 12, Khan further discloses a method according to claim 7, wherein said call belongs to at least one of the following categories voice, SMS, MMS, data, and that the call and transaction is granted by entering and transmitting the signal of a predetermined PIN code (“makes a call to the customer’s mobile phone 309 and a recorded voice asks” see [0022]).

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Khan in view of Rosenberg (US 2004/0235450).

Regarding claim 2, Khan discloses an open secure cross-link channel according to claim 1, except wherein said type of transaction is performed by utilizing a bank card, shopping card, petrol card, credit card and the like together with said mobile station, wherein other card information is stored in said memory space. However in analogous art, Rosenberg teaches wherein said type of transaction is performed by utilizing a bank card, shopping card, petrol card, credit card and the like together with said mobile station (“credit card” and “mobile communication device” see [0155]-[0161]), wherein other card information is stored in said memory space (“a sufficient fund” see [0162]). Since, Khan and Rosenberg are related to the method of secure crosscheck link communication service; therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Khan as taught by Rosenberg for purpose of increasing the security for the buyer since the transaction is required at least using the credit card and the mobile station.

Regarding claim 8, Khan discloses a method according to claim 7, wherein said type of transaction is performed by utilizing a bank card, shopping card, petrol card, credit card and the like together with said mobile station, said cards bearing the password, wherein other card information is stored in said memory space. However in analogous art, Rosenberg teaches wherein said type of transaction is performed by utilizing a bank card, shopping card, petrol card, credit card and the like together with said mobile station (“credit card” and “mobile communication device” see [0155]-[0161]), said cards bearing the password (“PIN number” see [0161]), wherein other card information is stored in said memory space (“a sufficient fund” see [0162]). Since, Khan and Rosenberg are related to the method of secure crosscheck link communication service; therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Khan as taught by Rosenberg for purpose of increasing the security for the buyer since the transaction is required at least using the credit card and the mobile station.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a) Kamijo discloses “The connection request processing unit 500 may receive a credit card number of the user, the serial number of the mobile phone 30, or the MAC address of the information processing device 20” (see specification).

b) Kwan discloses “using credit card but instead of the credit card number, a phone number is used instead” (see specification).

c) De Petris discloses “Security method and system with cross-checking... is used to verify the identity of a user in the context of financial transactions on credit card circuits” (see specification).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy Q Phan whose telephone number is 571-272-7924. The examiner can normally be reached on 8AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc Nguyen can be reached on 571-272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Huy Q Phan/  
Examiner, Art Unit 2617  
Date : 09/09/2008